

## Message Text

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PAGE 01 BELGRA 04351 281551Z  
ACTION SCSE-00

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FM AMEMBASSY BELGRADE  
TO SECSTATE WASHDC PRIORITY 1231  
INFO AMCONSUL ZAGREB

UNCLAS BELGRADE 4351

E.O. 11652: N/A  
TAGS: CARR YO  
SUBJECT: LEGAL REPRESENTATION AVAILABLE TO AMERICANS ARRESTED ABROAD

FOR SCS

REF: STATE 147704

1. FOLLOWING IS COUNTRYWIDE REPLY TO REFTEL. ACCORDING TO YUGOSLAV CRIMINAL PROCEDURE, IF A DEFENDANT IS CHARGED WITH AN OFFENSE WHICH CARRIES A PENALTY OF AT LEAST 10 YEARS IN PRISON, THE PARTICIPATION OF DEFENSE COUNSEL IS MANDATORY AFTER THE CHARGE SHEET HAS BEEN PREFERRED. IF THE DEFENDENT FAILS TO OBTAIN COUNSEL, THE CHIEF JUDGE APPOINTS COUNSEL FOR HIM.

2. IN ALL OTHER CASES A DEFENDENT CAN BE TRIED WITHOUT DEFENSE COUNSEL HOWEVER, WHEN THE DEFENDANT IS CHARGED WITH AN OFFENSE CARRYING A PENALTY OF AT LEAST THREE YEARS IN PRISON, THE DEFENDANT MAY HAVE A DEFENSE COUNSEL APPOINTED AT HIS REQUEST IF HE IS UNABLE TO BEAR THE COST. THE REQUEST MAY BE MADE ONLY AFTER CHARGES HAVE BEEN PREFERRED. THE DECISION ON THE REQUEST IS MADE BY THE CHIEF JUDGE WHO ALSO APPOINTS THE COUNSEL. ACCORDING TO THE CODE  
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OF CRIMINAL PROCEDURE, THE APPOINTED DEFENSE COUNSEL SHOULD BE A MEMBER OF THE BAR. IF THERE ARE NOT ENOUGH MEMBERS OF THE BAR AT THE SEAT OF THE COURT, THE JUDGE CAN APPOINT ANY LAW SCHOOL GRADUATE CAPABLE OF ASSISTING THE DEFENDANT.

3. THE ABOVE RULES APPLY TO YUGOSLAVS AND FOREIGNERS ALIKE. WE HAVE LIMITED EXPERIENCE WITH PUBLIC DEFENDERS BUT UNDERSTAND

THEY ARE READILY AVAILABLE. IN GENERAL, THE QUALITY OF YUGOSLAV  
ATTORNEYS VARIES WIDELY, AND BASED ON LIMITED EXPERIENCE IT  
APPEARS THAT THE QUALITY OF PUBLIC FUNDED LEGAL ASSISTANCE IS NOT  
AS GOOD AS PAID, PRIVATE COUNSEL.  
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## Message Attributes

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